

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

---

No. 6:19-cv-00371

---

**Patrick D. Ealy,**  
*Plaintiff,*

v.

**Allyson Mitchell et al.,**  
*Defendants.*

---

**ORDER**

This civil action was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b)(3). On October 17, 2019, the magistrate judge issued a report recommending that plaintiff's lawsuit be dismissed without prejudice for failure to comply with a court order that directed plaintiff to file a new application to proceed in forma pauperis with a certified data sheet from the prison. Doc. 7

Plaintiff filed an objection to the report (Doc. 9), which the court construed as a motion for extension of time to comply with the court's order to file a new in forma pauperis application. Doc. 10. The court granted plaintiff a 30-day extension to comply with the court's order, and cautioned that if he did not, the magistrate judge's report and recommendation to dismiss this case would be submitted to the district judge for consideration. *Id.* at 2. According to the docket, plaintiff received this order on November 7, 2019. Doc. 11. However, to date, plaintiff has not complied with the underlying order.

Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court **accepts** its findings and recommendation. Plaintiff's civil rights lawsuit is **dismissed without prejudice** for failure to comply with an order of the court.

*So ordered by the court on March 31, 2021.*

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER  
United States District Judge